



## **India delays due date for filing country-by-country reports by Indian constituent entities of foreign MNEs**

**Global Transfer Pricing Alert 2018-008**

India has deferred the due date for filing the country-by-country (CbC) report in India by Indian constituent entities of foreign-headquartered multinational entity (MNE) groups from March 31, 2018, to a future yet-to-be determined date.

The Indian CbC regulations prescribe secondary filing of the CbC report in India by an Indian constituent entity of a foreign MNE group under certain specified circumstances. These specified circumstances are provided in Section 286(4) of the Income Tax Act, 1961, as follows:

- When there is no obligation to file the CbC report in the parent entity's jurisdiction;
- When the parent entity is resident of a country or territory with which India does not have an agreement for the exchange of CbC reports; or
- When there has been a systemic failure in the country or territory in which the parent entity is resident, and the failure has been notified to the constituent entity.

Thus, a foreign MNE group's CbC report is required to be filed in India by the Indian constituent entity if any of the above conditions are satisfied.

The Finance Act, 2018 has now specified that the due date for filing the CbC report in India by an Indian constituent entity of a foreign MNE group under certain specified circumstances will be "within the period as may be prescribed." This amendment

was confirmed by a clarification provided by the Indian government in a March 23 [press release](#), which states that the due date of March 31, 2018, would not be applicable to the filing of the CbC report in India by an Indian constituent entity of a foreign MNE group, and that the new due date will be prescribed.

Accordingly, the secondary filing in India of the CbC report applicable to Indian constituent entities of a foreign MNE group under the specified circumstances is not triggered until the relevant due date is prescribed in the Indian Tax Rules.

[Back to top](#)

## Contacts

**Anis Chakravarty (Mumbai)**

[anchakravarty@deloitte.com](mailto:anchakravarty@deloitte.com)

[Back to top](#)

## Useful links

### Resources

- [2016 Global Transfer Pricing Country Guide](#)
- [Arm's length standard](#)
- [Transfer pricing alerts](#)

### Get Connected

- [Deloitte tax@hand](mailto:Deloitte_tax@hand)
- [Join Dbriefs](#)
- [Follow @Deloitte Tax](#)
- [www.deloitte.com/tax](http://www.deloitte.com/tax)

[Back to top](#)



Get in touch



Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) to learn more about our global network of member firms.

Deloitte provides audit & assurance, consulting, financial advisory, risk advisory, tax and related services to public and private clients spanning multiple industries. Deloitte serves four out of five Fortune Global 500® companies through a globally connected network of member firms in more than 150 countries and territories bringing world-class capabilities, insights, and high-quality service to address clients’ most complex business challenges. To learn more about how Deloitte’s approximately 245,000 professionals make an impact that matters, please connect with us on [Facebook](#), [LinkedIn](#), or [Twitter](#).

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© 2018. For information, contact Deloitte Touche Tohmatsu Limited.

30 Rockefeller Plaza  
New York, NY 10112-0015  
United States



Official Professional Services Sponsor

Professional Services means audit, tax, consulting, and advisory.

Copyright © 2016 Deloitte Development LLC. All rights reserved.  
36 USC 220506

To no longer receive emails about this topic please send a return email to the sender with the word “Unsubscribe” in the subject line.